

Obama defends Libya war, rejects need for Congress vote

Bill Van Auken
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The Obama administration argued Wednesday that the War Powers Act, requiring congressional approval for undeclared US wars, does not apply to the nearly three-month-old war against Libya.

In a letter to Congress, the White House revealed that US operations in Libya have already cost \$716 million and will top \$1.1 billion by the end of September. This funding, it said, would come out of the Pentagon's existing budget.

At the same time, the letter insists that the US military's role in the war is too limited to fall under the War Powers Act, which requires that the president obtain congressional approval of any military operation within 60 days of the outset of "hostilities."

"The President is of the view that the current US military operations in Libya are consistent with the War Powers Resolution and do not under that law require further congressional authorization, because U.S. military operations are distinct from the kind of 'hostilities' contemplated by the Resolution's 60 day termination provision," an unauthorized version of letter circulated Wednesday states.

It describes the role played by US military forces as "constrained and supporting" and insists that "US operations do not involve sustained fighting or active exchanges of fire with hostile forces, nor do they involve the presence of US ground troops, US casualties or a serious threat thereof, or any significant chance of escalation into a conflict characterized by those factors."

This interpretation appears to suggest that so long as the US is waging war against relatively defenseless countries and populations, which lack the ability to strike back against bombings and missile attacks, the War Powers Act does not apply.

The letter also repeats the pretense that the US and its NATO allies are acting in compliance with United

Nations resolutions authorizing the imposition of a no-fly zone and arms embargo and the use of all necessary means to protect Libyan civilians.

No one in Washington or the capitals of Western Europe takes such claims seriously. The US and its allies have openly embraced the goal of "regime change". They are waging a war aimed at toppling the government of Colonel Muammar Gaddafi, assassinating the Libyan leader and installing a puppet regime that will allow the major Western powers and big oil companies the unfettered pursuit of their geo-strategic and profit interests.

As for the pretense that the US and NATO are protecting Libyan civilians, on the same day that Obama sent his letter to Congress, it was reported that a NATO air strike hit a bus in the town of Kikla, south of the Libyan capital of Tripoli, killing 12 passengers. The strike followed the resumption of intensive bombardment of Tripoli in which a number of civilian homes were badly damaged and several Libyan civilians wounded.

The White House issued its 32-page letter defending the Libyan war as both legal and successful following a vote Monday in the US House of Representatives to bar the use of any funds provided by a military appropriations bill to pay for US operations against the north African country.

The measure, an amendment the Military Construction-Veterans' Affairs Appropriations bill, was approved by a vote of 248 to 163. Washington is currently spending approximately \$40 million a month to wage the war. The entire bill must still be approved by the House, and the amendment would have to be approved by the Senate as well for the restriction on funding the Libya war to be binding.

The margin of victory for the amendment was even wider than in a vote cast on June 3 charging that Obama had "failed to provide Congress with a compelling

rationale based upon United States national security interests for current United States military activities regarding Libya,” and giving the White House 14 days to respond with a justification of its failure to seek Congressional approval and an explanation of its military objectives in Libya as well as the means and costs involved.

Crafted by Republican House Speaker John Boehner, the resolution avoided any ultimatum, merely noting in its conclusion that “Congress has the constitutional prerogative to withhold funding for any unauthorized use of the United States Armed Forces, including for unauthorized activities regarding Libya.”

Meanwhile, a bipartisan group of 10 members of Congress, led by Democrat Dennis Kucinich of Ohio and Republican Walter Jones of North Carolina, filed a federal lawsuit Wednesday charging that the US military operations in Libya are illegal because they have not been authorized by Congress and asking the court to order Obama to bring them to a halt.

Obama announced the deployment of US military forces against Libya on March 19, and he officially notified Congress of that use of force, as required by the law he now claims does not apply. Under the War Powers Resolution, drafted in 1973 in response to the abuses of presidential authority during the Vietnam War, the president is forbidden from committing US armed forces to a military conflict for more than 60 days without congressional approval. The act allows for a further 30-day withdrawal period.

In a letter sent to Obama on Tuesday, Boehner wrote that “either you have concluded the War Powers Resolution does not apply to the mission in Libya, or you have determined the War Powers Resolution is contrary to the Constitution. The House, and the American people whom we represent, deserve to know the determination you have made.” He warned that based on the timelines spelled out in the War Powers Resolution, the Libyan intervention would become illegal by Sunday.

“The administration will be in violation of the War Powers Resolution in five days unless it asks for and receives authorization from Congress or withdraws all US troops and resources from the mission,” Boehner wrote.

The War Powers Resolution was enacted by Congress in a two-thirds vote that overrode a veto by then-President Richard Nixon. Subsequent presidents have treated the law with barely disguised hostility, seeing this assertion of the exclusive power of Congress to declare war laid down by the US Constitution as an infringement on presidential

powers that have expanded in tandem with the global eruption of American militarism.

While Obama’s predecessor in the White House, George W. Bush, dragged the American people into two wars of aggression based upon lies about fighting terrorism and “weapons of mass destruction,” he did obtain congressional authorization for the use of military force in advance of launching both wars.

Obama has gone further in the assumption of unrestrained presidential powers by launching the war against Libya without seeking the formal approval of Congress even after the fact, much less before it.

This illegal war of aggression is intensely unpopular. The latest poll, released by Rasmussen Reports on Monday, found that only one in four Americans backed the US war for “regime change” in Libya.

The Republican leadership of the House of Representatives is no doubt attempting to reap political gain from this hostility to the war. Their approach is every bit as politically cynical as the appeal Obama made to antiwar sentiments in the 2008 presidential election, only to continue the occupation of Iraq and dramatically expand the war in Afghanistan after taking office.

Meanwhile, US forces are carrying out acts of war in Pakistan, Yemen and elsewhere without seeking congressional approval, much less the consent of the American people.

Both major parties—the Democrats and Republicans—support wars abroad in defense of the interests of the ruling financial aristocracy, as well as the attacks on basic democratic and social rights that accompany the unrestrained growth of militarism.



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